IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

-

WRIT PETITION NO : 15690 of 1994

Between:

Chimmili Mala Kondaiah, s/o. Sambaiah,
Aged 50 years, Occ: Agriculture, R/o. Kunkuvaripalem(V),

Kondapuram (M),
Nellore Dist.

..... PETITIONER

AND

1. The District Collector ,Nellore, Nellore Dist.
2. The Mandal Revenue Officer, Kondapuram(M),
   Nellore Dist.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly in the nature of writ of Mandamus declaring the action of the 2nd respondent in causing the notice by beat of Tom-Tom in Kumkumvaripalem(V) during the last week direction the petitoner and other assignees not to enter upon the lands assigned to them as illegal, arbitrary and violative of the settled principles of law and consequently direct the respondent not to dispossess the petitioner from Ac.No.4.90 cents of land comprised in Survey No.100-A of Kumkumvaripalem (V),Kondpuram (M),Nellore Dist. which has been assigned to him by the Mandal Revenue Officer, Kondapuram, the Second respondent herein his Proc.F.Dis.No.272/1400 dt.1-5-1991.

For the Petitioner:MR.P.SRIDHAR REDDY, Advocate.

For the Respondents: GP FOR REVENUE

The Court made the following :

ORDER:

Petitioner filed the present writ petition seeking Writ of Mandamus questioning the action of the second respondent in causing a notice by the beat of Tom-Tom in the month of August, 1994 directing him and other assignees not to enter upon the land assigned to them comprised in Sy.No.100-A of Kumkumvaripalem village, Kondapuram Mandal, Nellore District, as illegal, artibrary and without jurisdiction and consequently direct the respondents not to dispossess the petitioner from Ac.04-90 cents in Sy.No.100-A of Kumkumvaripalem village, Kondapuram Mandal, Nellore District.

It is the case of the petitioner that he was assigned with the land in question by the second respondent through his proceedings F.Dis.No.273/1400, dated 01-05-1991, by following due process of law and that he was also issued D-Form patta. Since then, the petitioner has been in peaceful possession and enjoyment of the land by cultivating the same. While so, the second respondent caused a notice by the beat of Tom-Tom directing the petitioner and other assignees in Sy.No.100-A and adjacent survey numbers not to enter upon the lands. Upon his enquiry, the petitioner came to know that the first respondent directed him to cancel the pattas issued to him and other assignees for the purpose of assigning the same to the landless poor belonging to weaker sections. Aggrieved by the same, the present writ petition has been filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The learned counsel for the petitioner contends that the land in question has been assigned to the petitioner by second respondent through his proceedings F.Dis.No.272/1400, dated
01-05-1991 and while the patta granted in favour of the petitioner is in existence, the second respondent, without following the procedure of law, by beat of tom-tom directed the petitioner and other assignees not to enter into the subject land on the ground that the subject land is required for distribution to the land less poor belonging to weaker sections.

The present writ petition is filed merely on an apprehension that the petitioner would be dispossessed from the subject land. There is no material to show that actually the petitioner was sought to be dispossessed from the subject land, except an assertion that the respondents by the beat of Tom-Tom directed the petitioner and other assignees not to enter into the subject land. However, it is made clear that the respondents shall not dispossess the petitioner from the subject land, except following due process of law.

With the above observations, the writ petition is disposed of. No costs.

_____

24-06-2004.

Lrkm/Dvs.

To

1. The District Collector ,Nellore, Nellore Dist.
2. The Mandal Revenue Officer, Kondapuram(M),
   Nellore Dist.

3. 2 CCs to The GP for Revenue, High Court Bldgs, High Court of A.P.,

Hyderabad.(O.U.T).

4. 2CD copies